

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TOMMY SMITH, JR.,

Plaintiff,

-vs-

Case No. 04-C-114

MICHAEL GROGAN and
JON SELL,

Defendants.

ORDER

Plaintiff, Tommy Smith, Jr., who is incarcerated at Columbia Correctional Institution, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. By order of September 29, 2006, defendants' motion for summary judgment was granted in part and denied in part. As a result, the plaintiff is proceeding on a Fourth Amendment unlawful arrest claim against the above-named defendants.

In the present case, the deadlines for discovery and the filing of dispositive motions have passed and the case is now ready for a final resolution. Upon due consideration, the court will *sua sponte* appoint counsel to represent the plaintiff in this matter. While the court is looking for an attorney for the plaintiff, the plaintiff must continue to prosecute this action by himself. When counsel is appointed, the plaintiff will be notified and this matter will be placed on the court's calendar for a scheduling conference.

As a final matter, defendants Moises Gomez, Dawn Davenport, Andrew Riedmaier, William Lundstrom and Irving Suesskind were dismissed by order of September 29, 2006. The docket shall be amended to reflect this.

IT IS THEREFORE ORDERED the court will *sua sponte* appoint counsel to represent the plaintiff in this matter. While the court is looking for an attorney for the plaintiff, the plaintiff must continue to prosecute this action by himself. When counsel is appointed, the plaintiff will be notified and this matter will be placed on the court's calendar for a scheduling conference.

IT IS FURTHER ORDERED that defendants Moises Gomez, Dawn Davenport, Andrew Riedmaier, William Lundstrom and Irving Suesskind are **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 30th day of January, 2007.

SO ORDERED,

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA
Chief Judge